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Adam Wang

May 2, 2008

Labor and Workforce Development Agency  
State of California  
801 K Street, Suite 2101  
Sacramento, California 95814

Re: Plaintiffs: Bao Yi Yang, Wei Wang, and Liang Xian Fu

Defendant: Shanghai Gourmet, Xu Liang Shen and Bo Juan Liu

Gentlepersons;

This letter is to file a complaint with your agency concerning violations of the wage and hour laws of the State of California perpetrated by the Defendants Shanghai Gourmet LLC, Xu Liang Shen and Bo Juan Liu ("Defendants") against our clients Bao Yi Yang, Wei Wang, and Liang Xian Fu ("Plaintiffs").

Plaintiffs worked during the last four years at Shanghai Gourmet LLC. Plaintiffs complain against Defendants pursuant to California Labor Code Section 2699, the Labor Code Private Attorney General Act. This also serves as the notice that Plaintiffs intend to recover civil penalties on behalf of other employees, former or current, against Defendants.

Plaintiffs request that the Labor Workforce and Development Agency conduct **no** investigation into this matter. Plaintiffs have filed a complaint against the Defendants in United States District Court for the Northern California, entitled Yang, et al. v. Shanghai Gourmet LLC, et al. (C07-4482 JL) for unpaid overtime and meal period violations. Plaintiffs request that you immediately close your investigation into this matter so that Plaintiffs may pursue civil penalties under the California Labor Code on their own behalf and on behalf of other former and current employees as part of their lawsuit to recover the unpaid wages. An investigation would be duplicative of the litigation process already in the federal court. It would be a waste of the money and resources of the State of California.

Plaintiffs alleges that Defendants are liable for civil penalties due to violations of the Labor Code, Wage Orders and Cal. Code of Regulations as follows:

Labor and Workforce Development Agency  
Re: Yang et al. v. Shanghai Gourmet LLC, et al.  
May 2, 2008  
Page 2

- 1) Cal Lab. Code §§ 510, 558 & Wage Order 5-2001 § 3: Plaintiffs were employed as restaurant workers on salary basis, and they worked over 8 hours a day and 40 hours a week on regular basis. Defendant failed to pay overtime rate when Plaintiffs worked more than eight hours in one day or forty hours in one week; Plaintiff seeks recovery of unpaid wage and civil penalties under Labor Code § 558 also against any person acting on behalf of Golden Eagle Group Inc. with regard to the said violation.
- 2) Labor Code § 1174 & Wage Order 5-2001 §7: Defendants failed to keep accurate time records of the total wages earned by their employees and their hours worked.
- 3) Labor Code § 226.7 & Wage Order 5-2001 §11: Defendants failed to provide their employees with a thirty minute meal period for every five hours worked;
- 4) Labor Code § 226.7 & Wage Order 5-2001 § 12: Defendants failed to provide their employees with a rest period of ten minutes for every four hours worked;
- 5) Labor Code § 226 and 226.3: Defendants failed to provide their employees with itemized statements with their pay. Instead of listing the actual hourly rate on Plaintiffs' payroll statement, Defendant assigned artificial hourly rate and inaccurate work hours in attempts to avoid the payment of overtime obligations.

Once again Plaintiffs request that the Labor Workforce Development Agency immediately close its investigation so that the Plaintiffs may proceed to amend their current Complaint to represent all employees, current and former, in the pending action.

Sincerely,

Adam Wang

Cc: Golden Eagle Group Inc.  
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Walnut Creek, CA 94596

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